IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 25TH OCTOBER 2007 / 3RD KARTHIKA 1929

Crl.Rev.Pet.No. 1048 of 1998(C)

CRL.A.52/1997 OF ADDL. SESSIONS COURT, THRISSUR,
ST.1653/1995 OF JUDL. MAGISTRATE OF FIRST CLASS COURT, CHAVAKKAD.

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REVISION PETITIONER/ APPELLANT/ ACCUSED:

T.D. JOSE,
S/O. THANCHAPPAN DEVASSY,
KANDASSANKADAVU DESOM,
KARAMUCK VILLAGE,
THRISSUR TALUK.

BY ADV. SRI.P.K.RAVI SANKAR.

RESPONDENTS:

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. ABDUL MAJEED HAJI, *(DIED),
MUTHIYAKATH MAMMED,
VATANAPPILLY AMSOM-DESOM,
CHAVAKKAD TALUK.

***ADDL.R3. SMT. NABEEZA,**
MUTHIYAKATH HOUSE,
VALAPPAD.P.O.

***IMPLEADED AS ADDL.R3. VIDE ORDER DATED 04/10/07**
IN CRL.M.A. NO. 10050/07.

BY ADV. SRI.T.H.ABDUL AZEEZ,
PUBLIC PROSECUTOR SRI. AMJAD ALI.

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 25/10/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.P. NO. 5205/1998 IN CRL.R.P. NO. 1048/1998

DISMISSED

25/10/2007. **SD/- K.R.UDAYABHANU, JUDGE.**

//TRUE COPY//

prv.

K.R. UDAYABHANU, J.

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CRL.R.P.NO. 1048 OF 1998

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DATED THIS THE 25TH OCTOBER 2007

ORDER

The revision petitioner is the accused in S.T.No.1653/1995 in the file of the Judicial First Class Magistrate,Chavakkad who stands convicted for the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for one month and to pay a compensation of Rs.50,000/- to the complainant and in default to undergo simple imprisonment for three months. When the matter was pending before this Court, the 2nd respondent/complainant died and the 3rd respondent, wife of the complainant was impleaded.

2. Counsel for the revision petitioner has only pleaded for modification of sentence.

3. In the circumstances, the sentence is modified to imprisonment till the rising of the court and to pay a compensation of Rs.50,000/- to the 3rd respondent/wife of the complainant who has been impleaded and in default to undergo simple imprisonment for three months. The revision petitioner/accused is granted four months

time to remit the amount of compensation. He shall appear before the Judicial First Class Magistrate, Chavakkad on 25-2-2008 to receive sentence. The criminal revision petition is disposed of accordingly.

K.R.UDAYABHANU, JUDGE

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